IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 20629 of 2006
With
SPECIAL CIVIL APPLICATION No. 20634 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GOKULBHAI MAISURBHAI RATHOD - Petitioner(s)
Versus
STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :
MR PARESH UPADHYAY for Petitioner(s) : 1,
MR NIRAJ SONI, AGP for Respondent(s) : 1,
RULE SERVED BY DS for Respondent(s) : 2 - 4.

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 03/04/2007

ORAL COMMON JUDGMENT :

These petitions are filed initially for seeking relief against

respondent no. 3 by requesting the Court to direct him to decide the application of the petitioners for renewal of lease for excavating ordinary sand under the provisions of the Gujarat Minor Mineral Rules, 1966 and further to direct him to sanction renewal of lease in respect of the said land. However, it appears that by virtue of the circular dated 23/2/1993 in respect of lease renewal, the Collector has referred the case of the petitioners to the State Government for renewal since the petitioners' lease was for 12 years. The Collector in such case has no jurisdiction.

2. I have heard Miss Harshal Pandya, learned advocate appearing for Mr. Paresh Upadhyay for the petitioners and Mr. Niraj Soni, Ld. AGP for the respondents. It is stated by Mr. Soni, on instructions, that the proposals have already been received by the State Government for its consideration whether to grant renewal of lease to the petitioners and appropriate decision will be taken within six weeks from today. However, Miss Pandya has submitted that the Collector has forwarded the proposals on 10/11/2006 to the State Government and hence the State Government be directed to take decision as early as possible and preferably within three weeks.

3. Having considered the submissions and having perused the averments made in the petitions as well as record of the petitions, it appears that the following direction will adequately serve the interest of both the sides :

Respondent no. 1 is directed to take appropriate decision on the proposals forwarded by respondent no. 3 to it in respect of grant of lease to the

petitioners on or before 15th May, 2007 and intimate the decision to the petitioners within 10 days of the decision. Rule is made absolute to the aforesaid extent.

[Akshay H Mehta, J.]

* Pansala.